

LBNL – PROCUREMENT STANDARD PRACTICES

Section: 23 Environment and Occupational Safety
Subject: 23.2 Hazardous, Controlled, and Special Materials

PURPOSE:	This standard practice (SP) sets forth the requirements and methods for acquiring hazardous, controlled, and special materials.
POLICY:	The Laboratory shall assure that acquisitions for hazardous, controlled, and special materials are conducted in a manner that protects the environment and the health and safety of the public.
SCOPE:	This SP applies to all subcontracts for hazardous, controlled, and special materials.
DEFINITIONS:	
Controlled and Special Materials	Hazardous, controlled, and special materials are those products that pose unusual hazards or present unusual problems in acquisition, handling, transportation, or internal control. Any material that is considered hazardous or unusually valuable is considered a controlled material.
Controlled Substances	Controlled Substances are narcotics and restricted dangerous drugs which include, but are not limited to, opium, cocaine, morphine, heroin, marijuana, amphetamines, barbiturates, valium, darvon and lysergic acid.
Distribution "A"	Distribution "A" is a method used at the Laboratory to flag orders for radioactive isotopes, special materials, controlled substances, and toxic and pyrophoric gases for special receiving, handling, and delivery.
Hazardous Material	<p>Hazardous material, in general, is any material, which represents a chemical, physical, environmental, or biological hazard or presents a risk to public health and safety, and is regulated as such.</p> <p>Hazardous material and related terms are defined in various laws and regulations, including:</p> <ul style="list-style-type: none">• Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);• Federal Water Pollution Control Act;• Clean Air Act;• Occupational Safety and Health (OSHA) Standards;• Transportation Regulations; and• Federal Standard No. 313 and successor standards. <p>The following are some examples of hazardous materials:</p>

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- All chemicals, including organic and inorganic;
- Plastic raw materials in pellets or two-part resin systems but not finished sheet goods, plastic supplies, and products;
- Metal powders, carbides, mercury, cadmium, lead, and any alloys that have a low melting point;
- Brazing and soldering fluxes;
- All compressed or liquified gases and dry ice;
- Paints, paint thinners, paint dryers, and paint removers;
- Photographic chemicals, water treatment chemicals, acids, caustics, solvents, refrigeration chemicals, and cutting and tapping fluids;
- Freon and insecticides, herbicides, and dyes of any kind, including laser dyes;
- Solvents and cleaning compounds;
- Petroleum products (but not greases or natural or synthetic motor oil);
- Nuclear materials;
- Ionizing radiation-producing devices and components; and
- Devices that produce mainly ultraviolet light.

The Office of the Federal Register, National Archives and Records Administration, publishes Title 49 Code of Federal Regulations (49 CFR), Transportation. Part 172 of 49 CFR contains a hazardous material table.

Title 49, Transportation, Part 172 of the Code of Federal Regulations (49 CFR Part 172) contains a table of materials designated as hazardous materials for the purpose of transportation of those materials. This can be accessed at http://www.access.gpo.gov/nara/cfr/waisidx_04/49cfr172_04.html

PROCEDURES:

Requisitioning

Requirements for hazardous, controlled, and special materials are initiated through a purchase request. The requester must identify on the purchase request the type of materials involved, the potential hazard (e.g., toxic, corrosive, or radioactive), and the designated controlled receiving point. In addition to using the chemical name, the requester must identify chemicals and compounds using the chemical abstract service registry (CASR) number, if known.

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Health and Safety

The Laboratory Environment, Health, and Safety (EH&S) organization assists in the identification of hazardous materials that require special handling and provides information on safe use and storage of these materials. The PeopleSoft system automatically routes requisitions to EH&S for review or approval for these materials, and documents these reviews and approvals in the system before the requisition reaches Procurement. Before issuing a subcontract, the EH&S organization shall be contacted whenever any questions arise related to radioactive materials, radiation-producing devices, and other hazardous materials.

MSDS Requirements

All solicitations and subcontracts for hazardous, controlled, or special material must include the *Hazardous Material Identification and Material Safety Data* clause (FAR 52.223-3). This clause requires the subcontractor to provide a Material Safety Data Sheet (MSDS) for each item and comply with federal, state, and local laws when transporting these materials.

Procurement Specialists must also include the MSDS standard comment from the PeopleSoft system in subcontracts for hazardous, controlled, or special material. This standard comment requires subcontractors to include MSDSs with the shipment of the material, and the MSDSs must reference the subcontract number.

Radioactive Materials

In addition to the above clause, subcontracts for radioactive material must:

- Include a statement of exemption from the requirement for a license to transfer radioactive by-product material.
- Include the *Notice of Radioactive Materials* clause (FAR 52.223-7).

Toxic Chemicals

Include the *Certification of Toxic Chemical Release Reporting* clause (FAR 52.223-13) in 1) all solicitations for competitive subcontracts expected to exceed \$100,000 and 2) competitive 8(a) subcontracts, unless it has been determined in accordance with FAR 23.905(b) that to do so is not practicable. This clause can be found in applicable RFP General Provisions.

Include the *Toxic Chemical Release Reporting* clause (52.223-14) in non-commercial, competitive subcontracts exceeding \$100,000 (including all options). This clause is included in the appropriate General Provisions.

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Distribution "A" Desk Guide

The Laboratory's Desk Guide entitled Distribution "A" contains the specific procedures used at the Laboratory, which pertain to hazardous, controlled, and special materials, including controlled substances. These procedures include the Laboratory-specific shipping address and the statement of exemption from the requirement for a license to transfer radioactive by-product materials. The procurement specialist assigned to purchase hazardous, controlled, and special materials maintains the current version of the Distribution "A" Desk Guide.

CLAUSES:

Include the Hazardous Material Identification and Material Safety Data clause (FAR 52.223-3) in all subcontracts and solicitations for hazardous, controlled, or special material.

Include the *Notice of Radioactive Materials* clause (FAR 52.223-7) clause in all subcontracts for radioactive materials.

For non-commercial, competitive solicitations expected to exceed \$100,000 (including all options), include the *Certification of Toxic Chemical Release Reporting* clause (FAR 52.223-13).

For non-commercial, competitive subcontracts exceeding \$100,000 (including all options), include the *Toxic Chemical Release Reporting* clause (52.223-14).

RESPONSIBILITIES:

Procurement Specialist

The procurement specialist shall:

- Obtain all necessary reviews and/or approvals required for the acquisition of hazardous, controlled, or special materials;
- Include the applicable clauses in solicitations and subcontracts; and
- For subcontracts for radioactive material, advise the subcontractor of the Laboratory's exemption from the requirement for a license to transfer radioactive by-product material.
- Follow procedures contained in the *Distribution "A" Desk Guide* for hazardous, controlled, and special materials, including controlled substances.

Requester

The requester shall identify on the purchase request:

- The type of materials being requisitioned, specifying the

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chemical name and CASR number, if known;

- The potential hazard; and
- The designated controlled receiving point.

REFERENCES:

Prime Contract Clause I.28A – Hazardous Material Identification and Material Safety Data

Prime Contract Clause I.29A – Notice of Radioactive Materials

Prime Contract Clause I.30A – Toxic Chemical Release Reporting

The Laboratory's Desk Guide entitled *Distribution "A"*